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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,644	12/28/2001	Gordon Haggott Beckhart	MCT-0103	4114

7590 03/26/2003

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EXAMINER

TRAN, KHOA H

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary	Application No. 10/035,644	Applicant(s) BECKHART ET AL.	
	Examiner Khoan Tran	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/28/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Drawings

The drawings are still objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "an exterior partial S-shaped cutout" in claim 7 and "the plurality of retention springs is designed to mate with a lip of a front opening unified pod" in claim 12 must be shown or the features canceled from the claims. Further, it is noted that the rightmost hole in Figure 2 is identified by "58" at the top, but by "56" elsewhere. It appears that this hole should be --56-- as well. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claims 4 and 18, these claims improperly seek to define elements based on a comparison to elements that are not a part of the claimed device.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 14, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Nyseth. The claims are of such breadth that they read on the wafer carrier of Nyseth. Nyseth discloses a semiconductor cassette reducer comprising:

a first substantially U-shaped plate (50) having first and second arms (60 and 62) cutouts, an exterior partial S-shaped cutout with the forming of a tab (138), see Figure 8, a plurality of side panels (120) connected to the arms, and a base cutout (76) between an interior face (82), wherein the base to the tip distance (the distance between 96 and 82) is less than an interior depth of a front opening unified pod (26);

a second substantially U-shaped plate (52) having lips (162);

a plurality of wafer supports (27) connecting to the first substantially U-shaped plates (50) to the second substantially U-shaped plate (52); and

at least two retention springs (134, 138) attached to the first substantially U-shaped plate. See Figures 1, 3, and 5-9.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by A. L. Schreiber. The claim is of such breadth that it reads on the pottery support of Schreiber. Schreiber discloses a support rack comprising:

a first substantially U-shaped plate (the uppermost top member 1) having a first pair of arms with an arm cutout (4);

a second substantially U-shaped plate (the lowermost bottom member 1) having a second pair of arms with an arm cutout (4); and

a plurality of support members (the members between the uppermost and lowermost members) connecting to the first and second substantially U-shaped plates. See Figures 1-5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nyseth as applied to claims 1-7, 14, 17, and 18 above, and further in view of Kwok. The embodiment Figure 9 of Nyseth does not teach the semiconductor cassette reducer (26) having the wafer support columns for supporting semiconductor wafers. However, Kwok teaches the semiconductor wafer support columns (33) attach between the top and bottom of the U-shaped plates. See Figure 1. It would have been obvious to one of ordinary skill in the art to provide the cassette reducer of Nyseth with the provision of supporting columns between the top and bottom plates as taught by Kwok in order to support the semiconductor wafers therein, because it is well-within the level of skill in the art to utilize the known features of the art for the purpose for which they are known. With respect to claim 12, no front opening unified pod is being claimed and the springs (134, 138) of Nyseth are considered to meet this recitation.

Allowable Subject Matter

Claim 16 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 16 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims because there is no prior art that teaches or suggests a semiconductor rack possessing the entire combination of features specified by the claim and having a plurality of flexible disks.

Response to Arguments

Applicants' arguments filed January 08, 2003 have been fully considered but they are not persuasive.

With respect to applicants' arguments to the drawings that the "S" shaped cutout is referenced by numeral 53. The examiner disagrees. It should be noted that reference numeral 53 indicated a cutout as a groove or a notch but it does not show as an "S" shaped cutout. If applicants are continue to disagree with the examiner, then the examiner is respectfully request the applicants to point which contour line shown by the reference 53 might defined a letter "S".

According to drawings that fail to illustrate an "S" shaped cutout, the argument of claim 7 of an "S" shaped cutout is ineffective to the rejections since the applicants' cutout is not an "S" shaped.

With respect to claim 9, applicants' arguments on pages 3 and 4 that the claim is not indefinite because the claim is merely broad and applicant is entitled to have a broad claim and it is not necessary for the claim to define what the two positions are are acknowledged and deemed sufficient to overcome the Section 112 rejection. However, it should also be noted that limitations not otherwise found in the claim will not be read into the claim. Also, the broad recitation of "two positions" encompasses, among numerous interpretations, an assembled position and an unassembled position or, alternatively, the one support being assembled on the left or right and the other support being assembled on the other of the left or right and vice versa.

Applicants' remarks on page 3, regarding an ability to accept several sizes of wafers, it should be noted that these remarks are not commensurate with the scope of the claims. Where in claim 1 is this capability structurally defined or even functionally recited? Even claim 9 fails to define that the "two positions" are at different locations so as to receive different size wafers.

With respect to applicants' arguments that Nyseth fails to teach the retention springs. The examiner disagrees. It should be noted that the use of a unique terminology by the applicants does not preclude the prior art structure from reading on the structure of the claimed invention since there is no specific structure precluding the elements of Nyseth identified by the examiner. Even now, applicant fails to point out why elements 134, 138 cannot constitute "retention springs". Accordingly, the claim limitation is met by the prior art element irrespective of what lexicology is used.

Applicants' remarks regarding claim 4 are unpersuasive because a front opening unified pod is not an element of the claims.

With respect to claim 9, each reference shows the use of identical support columns and each column can be assembled into any of the two positions shown.

With respect to applicants' arguments that Schreiber's rack is not for supporting wafer. It should be noted that anticipation exists whenever something in the prior art "read on" the language of the claims. The fact that the "plates" and "supports" are constituted by parts in a reference that are on an individual basis, identical is not a valid reason that precludes the examiner's interpretation. What claim recitation does Schreiber not meet? Moreover, wafers can easily be supported in the wares 6, which are clearly supported by the elements 1.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The examiner can normally be reached on Monday through Thursday from 8:30 A.M. to 7:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for this Group is (703) 305-3597 or (703) 305-3598.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

If the applicant is submitted by facsimile transmission, applicant is hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and M.P.E.P. 502.02). In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check **should not be** submitting by facsimile transmission separately from the check. Responses submitted by facsimile transmission should include a Certificate of Transmission (M.P.E.P 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the
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Application/Control Number: 10/035,644
Art Unit: 3634

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(Date)

Type or printed name of person signing this certificate:

(Signature)

Furthermore, please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Khoa Tran
March 23, 2003



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600